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April 28, 2010

Via Email

Mayor Helene Schneider, and  
Members of the City Council  
City of Santa Barbara  
De La Guerra Plaza  
Santa Barbara, CA 93101

Re: Appeal by Donald G. Sharpe of Approval of 825 De La Vina Street;  
APN: 037-041-0024; MST2007-00400

Dear Mayor Schneider and Members of the City Council:

I am writing on behalf of the applicant and its agent to urge denial of the appeal of the Planning Commissions unanimous approval of the proposed mixed use project at 825 De La Vina Street.

We believe that the project has been very carefully and thoughtfully designed, appropriately considers and balances the concerns of its neighbors, incorporates all of the recommendations of the ABR and the Planning Commission, and is architecturally handsome. It provides reasonably sized live/work units while providing a great deal of landscaping and open space, and will be an asset to the neighborhood and community.

The project was unanimously approved by both the ABR and the Planning Commission. We believe it is a model project implementing the Plan Santa Barbara goals and objectives.

Overview

The proposed seven-unit two- and three-story residential project, with a small commercial component, complies with all zoning requirements, meets and exceeds all setback requirements, and would even meet solar ordinance requirements if they were applicable. In response to earlier Planning Commission comments in December 3, 2009, the applicant reduced the total square footage of the project by about 7%, increased the rear setback from 10' to 16' eliminating the need for a modification, and incorporated all the of your site layout and design recommendations.

It is, of course, difficult to please everyone. But we believe the applicant has designed the project with great sensitivity to its adjacent neighbors and uses, that it is a sensitive design incorporating many suggestions of its neighbors, and that the project more than reasonably addresses their concerns. The proposed project offers a number of significant benefits:



- The stepped and broken up massing of the front of the building makes an excellent transition from the relatively flat, boxy frontage of the commercial building at 829 De La Vina to the more varied architectural design of the residential uses at 817 De La Vina.
- The basic orientation of the building on the parcel, with the parking and a landscaping buffer along the southern property line, respects and preserves the very large mature street trees that define the character of lower De La Vina, and provides an excellent transition to the residential uses on the south.
- The project has 29% landscaping coverage, and 21% open space—more than two times the required open space. The applicant's landscape architect worked collaboratively with a landscape architect selected by the neighbors on a landscape plan both thought would be attractive. In response to suggestions of the Planning Commission and ABR, the applicant has added additional landscaping along both the front and south. The 3-foot-wide landscape strip along the auto court is more than twice the landscaping width of similar projects recently approved by the ABR and Planning Commission.
- The project has ample setback from the residential uses at the rear (increased from 10' to 16' in the recent revision). Although it was not required by applicable zoning, the massing steps down from three stories to two to create an appropriate transition and to allow ample air, space and light.
- The three-story commercial building at 829 De La Vina has a relatively unrelieved façade and has been built with a zero-lot-line design, directly on the property line. It is appropriate to place the mass of the proposed project adjacent to this large, relatively unrelieved, rectangular wall. Because the 829 De La Vina property is built right to the property line, it has had to incorporate two light wells into the side to allow some air and light. The applicant for the proposed project has structured the proposed project with sensitivity to the existing light wells, placing a large open courtyard before the major light well, and designing the second one so that the massing is stepped back and uses planned for that unit that will minimize privacy concerns.
- All required parking is incorporated in the project, with a single guest space and attractive planter on the portion on De La Vina Street, as recommended by the Planning Commission.
- The proposed project will redevelop the currently vacant site appealingly, while providing valuable housing.

#### 829 De La Vina

The owner of the commercial building at 829 De La Vina, has appealed. His building, which appears to be an old remodeled warehouse, is built with no setback, directly against the property



line. It would have no light or air from its own property were it not for two light wells and windows cut into the otherwise-unrelieved façade. Not surprisingly, he would prefer the proposed commercial building to be moved closer to the residential uses to the south and west.

The applicant is under no legal obligation to move its project away from the property line to create a setback for the building at 829 De La Vina Street which is built against the property line. But the applicant has nevertheless designed it to accommodate the adjacent building. The building incorporates a spacious courtyard adjacent to the central light well, which eliminates almost all of the impact of the building at that location. That represents a major accommodation of the neighbor because it results in the elimination of significant square footage. In addition, the applicant has removed a deck, a third story portion, and modified the uses at the location of the second light well, to minimize the impact at that location.

Of course, the adjacent owner would like even more. But moving the building farther from that neighbor would simply move it closer to the neighbors to the south or rear, to which they would legitimately object. Moving it closer to De La Vina Street would negatively impact the existing mature street trees and the entire community. And we believe that requiring even greater modifications to the building in the area of the second light well would unfairly limit the applicant from building a project that already more than complies with all applicable requirements. Although the applicant will be disappointed if the owner of 829 De La Vina does not support the revised design, we feel that the design more than reasonably accommodates his concerns.

#### Live/Work and Parking Considerations

We do want to emphasize the merits of two aspects of the project that were discussed at your last hearing.

The vertical lift parking design, which has been carefully reviewed and approved by the Transportation Department and has been approved elsewhere in the City, is very important for this site. The applicant really wanted to protect the mature trees on De La Vina Street, preserve large amounts of open space and landscaping, and offer a larger number of more reasonably priced units. We believe it is especially important that open space be preserved in the downtown area. The proposed design furthers those goals by reducing by about 13% the volume and mass that would otherwise be devoted to garages, reducing the overall building mass and size, and allowing the substantial landscaping and open space the project offers.

The applicant believes there is a real need for more reasonably sized and priced housing that combines smaller residential units with a small commercial component, providing affordable live/work residential units. We already have many luxury condominiums. This area of De La Vina Street is a perfect location for units that will allow true home professions within walking distance of downtown City and County governmental offices, and the downtown commercial districts. Increasingly, the affordability and power of computing and telecommunications technologies make it possible for individuals to provide high level services from small live/work spaces. The proposed



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units will meet a real need, with a number of ancillary benefits such as reduced need of commuting and the associated traffic and parking implications of having separate commercial work locations.

Applicant's Appeal Issues

The appellant has filed only a preliminary, very general statement of the grounds for his appeal. We will file a separate response to any subsequent letter he files.

At this stage, however, we note that each of the points he raises on this appeal were points he specifically raised during the Planning Commission's hearing. Staff and the Planning Commission considered, responded to, and rejected each of the contentions he again asserts on his appeal. Specifically, Staff and the Planning Commission concluded that parking lifts, used elsewhere in the City, are authorized by the Municipal Code and that the project entails no violations of parking requirements, that the project's square footages are accepted, that the project is compatible with the neighborhood, that all landscaping protections required by code are incorporated, and that the project does comply with all requirements of the Mixed Use Ordinance. The California Fair Political Practices Commission has issued an advisory rejecting appellant's contention that there has been any violation of its rules.

After careful consideration the Planning Commission unanimously approved the proposed project.

Conclusion

Throughout the review process the applicant has made many modifications to address the concerns of potentially affected neighbors, and the comments of the ABR and of the Planning Commission.

We believe that the appellant's contentions have no merit, that the project is a model project for this area of Santa Barbara, and that the appeal should be denied.

Sincerely,

Derek A. Westen  
Attorney at Law

cc. Kelly Brodison, Assistant Planner  
Keith Rivera  
Norm Popp  
Jeff Ridenour